



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MAY 12, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-66 Fletcher v. Davis, S114715. (B151534; 106 Cal.App.4th 398; Los Angeles County Superior Court; BC242260.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court limited review to the following issues: (1) Must an attorney's agreement with a client, authorizing a lien for payment of attorney fees to be imposed against any recovery in the litigation, be in writing? (2) Must an attorney obtain a judgment against the client establishing the existence and amount of such a lien before suing non-client third parties to enforce the lien?

#03-67 Robinson Helicopter Co. v. Dana Corp., S114054. (B150963; 105 Cal.App.4th 749; Los Angeles County Superior Court; YC036795.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Does the economic loss rule, which in some circumstances bars a tort action in the absence of personal injury or physical property damage, apply to claims for intentional misrepresentation or fraud in the performance of a contract?

#03-68 State of California v. Superior Court, S114171. (F040111; 105 Cal.App.4th 1008; Kings County Superior Court; 00C2342.) Petition for review after the Court of Appeal denied a petition for writ of peremptory mandate.

(over)

The court limited review to the following issue: Can a plaintiff's failure to comply with the claim-filing requirements of the Tort Claims Act (Gov. Code, § 900 et seq.) or to plead facts excusing compliance be raised on demurrer to the complaint?

#03-69 In re Steele, S114551. Original proceeding. In this case, which is related to the automatic appeal in People v. Steele (2002) 27 Cal.4th 1230, the court issued an order to show cause limited to the following issues: (1) Should the court grant petitioner's "motion for post-conviction discovery" (Pen. Code, § 1054.)? (2) Should a discovery motion pursuant to Penal Code section 1054.9 be heard in this court or in the trial court? (3) What is the scope of the prosecution's duty, if any, to provide discovery of materials unrelated to the charged crimes or prosecution evidence in aggravation but that might provide penalty phase mitigating evidence?

#03-70 People v. Williams, S114184. (G028417, G028422; 105 Cal.App.4th 1329, mod. 106 Cal.App.4th 653h; Orange County Superior Court; M9119, 00WF2351.) Petition for review after the Court of Appeal dismissed an appeal from an order in a criminal case. This case presents the following issue: May the People move to reinstate felony charges (Pen. Code, § 871.5) or appeal (Pen. Code, § 1238, subds. (a)(1) & (8)) after a magistrate reduces felony/misdemeanor "wobbler" charges to misdemeanors at the preliminary examination?

#03-71 People v. Casian, S114697. (B159131; unpublished opinion; Los Angeles County Superior Court; BA225551.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Sanders, S094088 (#01-21), which presents the following issues: (1) Should this court reconsider the holding in In re Tyrell J. (1994) 8 Cal.4th 68, 74, that the otherwise illegal search of a minor who is subject to a probation search condition is "not unconstitutional despite the officer's ignorance of the search condition"? (2) If the court's holding in Tyrell J. remains viable, should that holding apply to adult parolees who are subject to search conditions? (3) Under People v. Robles (2000) 23 Cal.4th 789, does the admissibility of the fruits of the search in the present case differ as to a defendant who was not subject to a search condition as compared to a defendant who was?

DISPOSITIONS

#02-13 Granados v. Superior Court, S102999, was transferred to the Court of Appeal for reconsideration in light of Little v. Auto Stiegler, Inc. (2003) 29 Cal.4th 1064.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Hernandez (2003) 30 Cal.4th 1:

#99-16 People v. Du, S075171.

#02-109 People v. Smith, S106486.

The following cases were dismissed and remanded to the Court of Appeal:

#01-98 Acosta v. Synthetic Industries, Inc., S098279.

#02-163 People v. Alas, S109356.

#02-200 County of Los Angeles v. Seneca Ins. Co., S111097.

#00-29 People v. Dacayana, S085498.

#02-181 People v. Frontier Pacific Ins. Co., S110283.

#02-164 People v. Legion Ins. Co., S109452.

#02-44 People v. Ranger Ins. Co., S103451.

#02-91 People v. Ranger Ins. Co., S105702.

#02-182 People v. Ranger Ins. Co., S110282.

#01-46 People v. Plyler, S095569.

#02-51 Swiderski v. Milberg, Weiss, Bershad, Hynes & Lerach, S104088.

#02-188 People v. Trotter, S110380.

#03-33 People v. Valot, S112450.

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